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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,649

09/23/2003

Eric R. Kurtycz

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2083

25215

7590

06/21/2005

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EXAMINER

BURNHAM, SARAH C

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,649

Applicant(s)

KURTYCZ ET AL.

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the attachment system including a plurality of attachment locations, each of the attachment location including at least one looped fastener; and a rod extending at least partially through the at least one looped fastener of each of the plurality of attachment locations; and a pair of brackets attached to the vehicle and the rod, as disclosed in claim 6, must be shown or the feature(s) canceled from the claim(s). While reference numbers identified in the specification as referring to the claimed subject matter as seen, the dark nature of the drawings does not reveal the looped fasteners as claimed. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6-11 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Leistra (5,782,537). Leistra discloses an automotive seatback system (Figure 2) comprising: a first panel (34) having a main wall (56); a plurality of primary planar ribs (52)(40)(42) positioned upon the first panel (34); and a plurality of channel forming ribs (44)(44) extending along the main wall (56) of the first panel (34) wherein the channel forming ribs (44)(44) form tubular structures in conjunction with the main wall (56) in that the ribs (44)(44) in conjunction with the main wall (56) form a tunnel type structure.

With respect to claim 2, the first panel (34), the primary planar ribs (52)(40)(42) and the plurality of channel forming ribs (44)(44) are "integrally formed of a homogenous material" (column 3, lines 10-11).

With respect to claim 6, Leistra further discloses an attachment system (38)(32)(30) rotatably attaching the first panel (34) to an automotive vehicle (unillustrated), the attachment system including a plurality of attachment locations (unlabeled), each attachment location including at least one looped fastener (unlabeled) in the form of a rounded end portion of planar ribs (40); and a rod (38) extending at least partially through the at least one looped fastener (unlabeled) of each of the plurality of attachment locations; and a pair of brackets (32)(32) attached to the vehicle and the rod (38).

With respect to claim 7, at least one of the primary planar ribs (40)(42)(40) extends about the periphery of the first panel (34).

With respect to claim 8, at least two of the primary planar ribs (52) extend across the main wall (56) in a criss-cross pattern.

With respect to claims 9-10, one or more of the plurality of channel forming ribs (44)(44) extend between at least two of the plurality of attachment locations.

With respect to claim 11, the channel forming ribs (44)(44) are arc-shaped in cross-section (see Figure 2).

With respect to claim 26, Leistra discloses a first panel (34) having a main wall (56); a plurality of primary planar ribs (52)(40)(42)(40) positioned on the first panel (34); and a plurality of channel forming ribs (44)(44) extending along the main wall (56) of the first panel (34); and attachment system (unlabeled) rotatably attaching the first panel (34) to an automotive vehicle (unillustrated) including: a plurality of attachment locations, each of the attachment locations including at least one looped fastener

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(unlabeled) in the form of a rounded end portion of primary ribs (40); a rod (38) extending at least partially through the at least one looped fastener at each of the plurality of attachment locations; and a pair of brackets (32) attached to the vehicle and the rod (38).

Leistra further discloses a second panel (34) having a main wall (56) located laterally adjacent to the first panel fro spanning a lateral distance of the seat back system as is best depicted in Figure 2 and a plurality of channel forming ribs (44) extending along the main wall (56) of the second panel (34). The first and second panels (34) are part of a seat back within an automotive vehicle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leistra (5,782,537) in view of Rink (5,092,942). Leistra discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leistra (5,782,537) in view of Krassilnikov (US2003.0197296). As disclosed above, Leistra reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Leistra with the gas assisted injection molded process taught by Krassilnikov. Such a method is a low cost method of forming consistently high quality products.

7. Claims 5, 12-13, 16-18 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leistra (5,782,537) in view of Nagamitsu et al. (US 2002/0060492). As disclosed above, Leistra reveals all claimed elements with the exception of attachment locations including a plurality of secondary planar ribs.

Nagamitsu discloses attachment location (17) located along the periphery of seat back (5). Each attachment location (17) includes a plurality of ribs (14).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add a plurality of ribs to the attachment locations (24) disclosed by Leistra. Such a modification would further reinforce the attachment location area and prevent the seat back from pulling away from a structure to which it is attached.

8. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leistra (5,782,537) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Rink (5,092,942). Leistra, as modified, discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

9. Claim 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leistra (5,782,537) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Krassilnikov (US2003.0197296). As disclosed above, Leistra, as modified, reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Leistra with the gas assisted injection molded process taught by Leistra. Such a method is a low cost method of forming consistently high quality products.

Response to Amendment/Arguments

10. The amendment filed on April 6, 2005 has been considered in its entirety. Remaining issues are detailed in the section above.

The drawings, as currently filed, are too dark to disclose the specific features of the attachment locations. The Examiner recognizes the description of the specific element in the specification, however these elements are not visible in the drawings filed on September 23, 2003.

The arguments with respect to Knoblock are moot in view of the new grounds of rejection set forth above.

The Examiner maintains that there is sufficient reason to combine Nagamitsu et al. and Leistra et al. in the above rejections. The ribs (14) and (16) formed at attachment locations (17) create increased strength in the area of the attachment. It would have been obvious to add such ribs to the attachment location disclosed by Leistra et al. to provide increased strength and to prevent the attachment from failing in

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the face of increased loads. The use of ribs to reinforce a structure is readily known in the art.

The arguments with respect to combining Knoblock and Leistra are moot in view of the new grounds of rejection set forth above. Applicant argues that Krassilnikov does not disclose a gas assisted injection molding system for seat backs. Paragraph [10] describes the gas assisted injection molding process:

In another embodiment, the housing has an upper side and as the housing is rotated about the axis, each side of the housing is positionable to be the upper side and the molding station further comprises a pressurized gas outlet positioned in a lower portion of a mold cavity enclosure when the mold cavity enclosure is positioned such that the mold cavity enclosure is provided in the then upper side of the housing, the pressurized gas outlet connected to a selectively activatable source of pressurized gas wherein a pressurized gas is injected into the mold cavity enclosure to loosen a molded product from the enclosure when the source is activated.

Paragraph [0124] explains how the gas assisted injection molding process can be used to form molded chair seats and chair backs. The Examiner therefore deemed it obvious to use the gas assisted injection molding process to form the seat back panel disclosed by Leistra. While the claims are read in light of the specification, details discussed within the specification do are not read as limitations of the claim.

Conclusion

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11. This action is made NON-FINAL in light of the new grounds of rejection set forth above.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
June 15, 2005


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